



West Virginia Department of
Commerce, Labor & Environmental Resources
Air Pollution Control Commission

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Charleston, West Virginia 25311

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WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
Charleston, West Virginia 25311

v.

CO-SIP-91-31

FOLLANSBEE STEEL CORPORATION
c/o Mr. Richard Lapato
Vice President of Operations
State Street
Box L
Follansbee, WV 26037

CONSENT ORDER

Under the authority and direction of the West Virginia Code, Chapter 16, Article 20, Section 5 (17), which reads in pertinent part as follows:

(17) Whenever the Commission achieves informally, by letter, or otherwise, an agreement with any person that said person will cease and desist in any act resulting in the discharge of pollutants or do any act to reduce or eliminate such discharge, such agreement shall be embodied in a Consent Order and entered as, and shall have the same effect as, an Order entered after a hearing as provided in Section 7 (§16-20-6) of this article,

this Consent Order is hereby entered.

I. FINDINGS OF FACT

1. Follansbee Steel Corporation (hereinafter referred to as the "Company") owns and operates a terne coating facility located in Follansbee, West Virginia.
2. At the subject facility, there are certain emission sources of total particulate matter which includes PM_{10} (particulate matter with aerodynamic particle size ≤ 10 microns).
3. This facility is subject to the Commission's Regulation 7 (45 CSR 7) - "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations".

4. Portions of Follansbee, Brooke County, West Virginia and the Mingo Junction/Steubenville area of Jefferson County, Ohio were identified by USEPA as a Group I area with respect to the National Ambient Air Quality Standards (NAAQS) for PM₁₀ in 52 FR 29383 on August 7, 1987. Pursuant to Section 101(a)(4)(B) of the Clean Air Act Amendments of 1990 the aforementioned area was designated as nonattainment with respect to the PM₁₀ NAAQS by operation of law on November 15, 1990.
5. The Ohio Environmental Protection Agency and West Virginia Air Pollution Control Commission have undertaken studies and analyses to identify particulate matter, including PM₁₀ emission sources which may cause or contribute to violations of the PM₁₀ NAAQS, and the West Virginia Air Pollution Control Commission staff has identified sources requiring emission control beyond current regulatory requirements or requiring clarification to current regulatory requirements as herein provided.
6. Title I of the 1990 Clean Air Act Amendment mandates that a plan to attain the PM₁₀ NAAQS in Follansbee be submitted by West Virginia to USEPA by November 15, 1991 and that the area must achieve attainment by December 31, 1994.
7. This Consent Order shall be submitted to the USEPA for incorporation into the West Virginia State Implementation Plan under the federal Clean Air Act.

II. CONCLUSIONS OF LAW

1. The Commission is the Agency empowered and authorized to regulate and control pollution of the air in the State of West Virginia as set forth in the Code.
2. The Commission has acted in accordance with the Code.
3. The Commission has given proper notice in accordance with the Commission's rules and in accordance with the federal Clean Air Act.

III. COMPLIANCE PROGRAM

In addition to maintaining compliance with all existing applicable regulations and permits, the Company also agrees to implement and/or comply with source specific control measures, emission standards, recordkeeping and reporting requirements, and approved testing procedures established and/or referenced herein as follows:

1. Terne Metal Coaters No. 1 and No. 2
 - A. Total particulate matter and PM₁₀ emissions from the No. 1 and No. 2 Terne Metal Coaters shall not exceed the following limitations:

	Total Particulate (lbs/hr)	PM ₁₀ (lbs/hr)
No. 1 Coater	2.00	1.80
No. 2 Coater	1.80	1.66

- B. Compliance with the emission limitations of Section III.1.A. shall be achieved by installation of emission control equipment in accordance with the following schedule:

<u>Action</u>	<u>Schedule</u>
Complete Installation of Emission Control Equipment	Within 120 days of the date of entry of this Consent Order.
Demonstrate Compliance	Within 180 days of the date of entry of this Consent Order.

- C. Compliance with all particulate matter emission standards and visible emission standards under Regulation 7 (45 CSR 7) and this Consent Order shall be demonstrated in accordance with test procedures set forth in 45 CSR 7A (TP-4) - "Compliance Test Procedures for Regulation 7" except that the use of any particulate mass emission test procedures other than those under 40 CFR 60, Appendix A, Methods 1-5 must be approved by the Director and USEPA.
- D. Tests to determine compliance with PM₁₀ emission limitations under this Consent Order shall be conducted in accordance with 40 CFR 51, Appendix M, Method 201, 201A and 202 unless alternative procedures are approved by the Director and USEPA.
- E. The Company shall submit an appropriate test protocol as defined by the Commission's Regulation 7A (45 CSR 7A/TP-4) at least thirty (30) days prior to any test to determine compliance with provisions of this Consent Order or Commission regulations and shall notify the Director of the dates of all compliance tests at least fifteen (15) days prior to testing.

IV. CONTINGENCY MEASURES

1. Upon issuance of a formal determination by USEPA after December 31, 1994 that attainment with the National Ambient Air Quality Standard for PM₁₀ has not been achieved, the Company shall implement a PM₁₀ emission reduction plan (contingency plan) established in accordance with Section V.2. to achieve an additional actual reduction of 0.22 lb/hr and 0.96 TPY actual of PM₁₀ emissions.

2. The Company shall submit a definitive contingency plan for reduction of PM₁₀ emissions by the amount specified in Section V.1. on or before July 1, 1992 and such plan shall be embodied in a Consent Order to be approved by the Commission on or before December 31, 1992.
3. The emissions control program required under Section V.1. and 2. shall be achieved in accordance with the following schedule:

<u>Action</u>	<u>Schedule</u>
Initiate engineering design and prepare specifications:	Within 60 days of receipt of EPA notice of nonattainment determination.
Issue purchase orders for equipment and finalize controls for installation:	Within 150 days of receipt of EPA notice of nonattainment determination.
Begin construction (or commence control program):	Within 240 days of receipt of EPA notice of nonattainment determination.
Complete construction and demonstrate compliance:	Within 360 days of receipt of EPA notice of nonattainment determination.

V. OTHER PROVISIONS

1. The Company agrees to comply with all requirements of this Consent Order and further agrees to waive any and all rights of appeal of this Consent Order.
2. Within fifteen (15) days following any incremental Compliance Program date under Sections III and V of this Consent Order, the Company shall certify in a written status report to the Director that the increment of progress to be completed by that particular Compliance Program date has been achieved. In the event that the Company fails to achieve any Compliance Program date, the required status reports shall document in full the causes of such failure, shall provide the date that the particular Compliance Program date will be met and shall contain a full explanation of the effect of the missed Compliance Program date upon the Company's ability to comply with all subsequent Compliance Program measures and dates contained under Section III. As further provided herein, failure to comply with any Compliance Program date established under Section III constitutes a violation of this Consent Order and may subject the Company to penalties or other enforcement actions by the Commission.

3. Nothing contained in this Consent Order shall be interpreted in such a manner as to relieve the Company of the responsibility to make all necessary short-term emission reductions as provided and required in Regulation 11 - "Prevention of Air Pollution Emergency Episodes".
4. The provisions of this Consent Order are severable and should any provisions be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.
5. This Consent Order shall become effective immediately upon signing by both parties.
6. This Consent Order is binding on the Company, its successors and assigns.
7. The Company agrees that in the event that the Commission promulgates regulations while this Consent Order is in effect which require control of emissions from the subject facility beyond the limitations herein or regulations currently applicable, such additional regulations shall be applicable to the subject facility notwithstanding the provisions of this Consent Order. It is expressly understood that noncompliance with any such changed standards shall not be a violation of this Consent Order.
8. Violations of this Consent Order may subject the Company to penalties in accordance with Chapter 16, Article 20, Section 8 and/or injunctive relief in accordance with Chapter 16, Article 20, Section 9 of the Code of West Virginia. This Consent Order shall serve as written notice of violation as contemplated in Code 16-20-8(a) for failure to achieve or implement each scheduled provision of Sections III and V of this Consent Order.

AND NOW, this 14th day of NOVEMBER, 1991, the WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION agrees to and enters into this Consent Order.


WEST VIRGINIA AIR POLLUTION
CONTROL COMMISSION


By Its Chairman

FOLLANSBEE STEEL CORPORATION, hereby agrees with the provisions and consents to the terms of this Consent Order and agrees to comply with all requirements set forth herein.

AND NOW, this 14 day of November, 1991, FOLLANSBEE STEEL CORPORATION, by its duly authorized representative, consents to, agrees to and enters into this Consent Order.

FOLLANSBEE STEEL CORPORATION

By 
Its Vice President of Operations

JT/taa

08/07/91